

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

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BILL 2

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LLS NO. 14-0230.01 Jerry Payne x2157

INTERIM COMMITTEE BILL

Transportation Legislation Review Committee

SHORT TITLE: "Divisible Load Overweight Vehicle Permits"

A BILL FOR AN ACT

101 **CONCERNING OVERWEIGHT VEHICLE PERMITS FOR DIVISIBLE LOADS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Transportation Legislation Review Committee. The bill authorizes an overweight permit for vehicles that haul sludge for wastewater purposes or other loads that the Colorado department of transportation deems a public hazard. The bill sets standards for the application and issuance of the permits.

The bill also authorizes issuing an annual fleet permit for 2- or

3-axle group vehicles with divisible loads. The fee for the permit is \$2,000 plus \$35 per vehicle.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 42-4-510, **amend** (1) (b), (11) (a) (VI) introductory portion, and (11) (a) (VII); and **add** (1) (b.5) as follows:

42-4-510. Permits for excess size and weight and for manufactured homes - rules. (1) (b) (I) The application for any permit ~~shall~~ MUST specifically describe the vehicle and load to be operated or moved; ~~and~~ the particular highways for which the permit to operate is requested; ~~and whether such permit~~ THE APPLICATION is for a single trip, a special, or an annual ~~operation~~ PERMIT; and the time of ~~such~~ THE movement. All state permits ~~shall be~~ ARE issued in the discretion of the department of transportation, subject to rules adopted by the transportation commission in accordance with this section and section 42-4-511. All local permits ~~shall be~~ ARE issued in the discretion of the local authority pursuant to ordinances or resolutions adopted in accordance with section 42-4-511. THIS SECTION SUPERCEDES any ordinances or resolutions of local authorities ~~shall not~~ THAT conflict with this section.

(II) ~~An overweight permit issued pursuant to this section shall be available for overweight divisible loads if~~

(A) ~~The vehicle has a quad axle grouping and the maximum gross weight of the vehicle does not exceed one hundred ten thousand pounds; or~~

(B) ~~The vehicle is operated in combination with a trailer or semitrailer, the trailer has two or three axles, and the maximum gross weight of the vehicle does not exceed ninety-seven thousand pounds; and~~

(C) ~~The owner and operator of the motor vehicle are in compliance~~

1 with the federal "Motor Carrier Safety Improvement Act of 1999", Pub.L.
2 106-159, as amended, as applicable to commercial vehicles; and

3 ~~(D) The vehicle complies with rules promulgated by the department~~
4 ~~of transportation concerning the distribution of the load upon the vehicle's~~
5 ~~axes.~~

6 (HH) A permit issued pursuant to this paragraph (b) ~~shall~~ DOES not
7 authorize the operation or movement of a motor vehicle on the interstate
8 highway in violation of federal law.

9 (b.5) A PERSON MAY APPLY FOR AND BE ISSUED AN OVERWEIGHT
10 PERMIT UNDER THIS SECTION FOR OVERWEIGHT DIVISIBLE LOADS IF:

11 (I) (A) THE VEHICLE HAS A QUAD AXLE GROUPING AND THE
12 MAXIMUM GROSS WEIGHT OF THE VEHICLE DOES NOT EXCEED ONE
13 HUNDRED TEN THOUSAND POUNDS;

14 (B) THE VEHICLE IS OPERATED IN COMBINATION WITH A TRAILER
15 OR SEMITRAILER, THE TRAILER HAS TWO OR THREE AXLES, AND THE
16 MAXIMUM GROSS WEIGHT OF THE VEHICLE DOES NOT EXCEED
17 NINETY-SEVEN THOUSAND POUNDS;

18 (C) THE VEHICLE IS EQUIPPED WITH LARGE FLOATATION-TYPE <{IS
19 "TYPE" NECESSARY?}> TIRES ON THE STEERING AXLE AND VACUUM OR
20 JET EQUIPMENT TO LOAD OR UNLOAD SOLID, SEMISOLID, OR LIQUID WASTE
21 FOR WATER OR WASTEWATER TREATMENT OR TRANSPORTATION SYSTEMS
22 OR FOR THE REMOVAL OF STORM WATER; OR

23 (D) THE VEHICLE HANDLES LOADS THAT, IF NOT PROPERLY
24 CONTAINED, MAY BE HAZARDOUS TO THE PUBLIC SAFETY, AS DETERMINED
25 BY RULES PROMULGATED BY THE COLORADO DEPARTMENT OF
26 TRANSPORTATION;

27 (II) THE VEHICLE IS NOT OPERATED AT MORE THAN ITS GROSS

1 VEHICLE WEIGHT RATING;

2 (III) THE OWNER AND OPERATOR OF THE VEHICLE IS IN COMPLIANCE
3 WITH THE FEDERAL "MOTOR CARRIER SAFETY IMPROVEMENT ACT OF
4 1999", PUBL. 106-159, AS AMENDED, AS APPLICABLE TO COMMERCIAL
5 VEHICLES; AND

6 (IV) THE VEHICLE COMPLIES WITH RULES PROMULGATED BY THE
7 DEPARTMENT OF TRANSPORTATION CONCERNING THE DISTRIBUTION OF
8 THE LOAD UPON THE VEHICLE'S AXLES.

9 (11) (a) The department of transportation or the Colorado state
10 patrol may charge permit applicants permit fees as follows:

11 (VI) For overweight permits for vehicles that have a quad axle
12 grouping for divisible vehicles or loads exceeding legal weight limits
13 issued pursuant to ~~subparagraph (H)~~ of paragraph ~~(b)~~ (b.5) of subsection (1)
14 of this section:

15 (VII) For overweight permits for vehicle combinations with a trailer
16 that has two or three axles for divisible vehicles or loads exceeding legal
17 weight limits established pursuant to ~~sub-subparagraph (B)~~ of ~~subparagraph~~
18 ~~(H)~~ of paragraph ~~(b)~~ (b.5) of subsection (1) of this section:

19 (A) Annual permit, five hundred dollars;

20 (B) Six-month permit, two hundred fifty dollars; and

21 (C) Single trip permit, fifteen dollars plus ten dollars per axle; AND

22 (D) ANNUAL FLEET PERMITS, TWO THOUSAND DOLLARS PLUS
23 THIRTY-FIVE DOLLARS PER VEHICLE TO BE PERMITTED.

24 **SECTION 2.** In Colorado Revised Statutes, 42-4-1701, **amend** (4)

25 (a) (III) (D) as follows:

26 **42-4-1701. Traffic offenses and infractions classified -**
27 **penalties - penalty and surcharge schedule - repeal.** (4) (a) (III) Any

1 person convicted of violating any of the rules promulgated pursuant to
2 section 42-4-510, except section 42-4-510 (2) (b) (IV), shall be fined as
3 follows, whether the violator acknowledges the violator's guilt pursuant to
4 the procedure set forth in paragraph (a) of subsection (5) of this section or
5 is found guilty by a court of competent jurisdiction:

6 (D) The fines for a person who violates the maximum permitted
7 weight on an axle or on gross weight under a permit issued pursuant to
8 section 42-4-510 (1) ~~(b) (II) shall be~~ (b.5) ARE doubled.

9 **SECTION 3. Act subject to petition - effective date -**
10 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
11 the expiration of the ninety-day period after final adjournment of the
12 general assembly (August 6, 2014, if adjournment sine die is on May 7,
13 2014); except that, if a referendum petition is filed pursuant to section 1
14 (3) of article V of the state constitution against this act or an item, section,
15 or part of this act within such period, then the act, item, section, or part will
16 not take effect unless approved by the people at the general election to be
17 held in November 2014 and, in such case, will take effect on the date of the
18 official declaration of the vote thereon by the governor.

19 (2) This act applies to applications submitted on or after the
20 applicable effective date of this act.

